

REMARKS

Reconsideration of this application is requested in view of the amendments to the claims and the remarks presented herein.

The claims in the application are claims 2 to 5 and 10 to 14, all other claims having been cancelled. It is noted that claims 2, 5 and 10 to 14 stand allowed.

The cancellation of claims 7 and 19 obviate the Examiner's rejection under 35 USC 112, first paragraph.


Claims 3, 4, 7 and 19 stand rejected under 35 USC 102(b) as being anticipated by the Fujiwara et al reference. The Examiner indicated that the claims use the term "containing" which is broad enough to encompass the disclosure of the Fujiwara et al reference.

Applicants respectfully traverse these grounds of rejection since it is believed that amended claims 3 and 4 are distinct from the reference cited by the Examiner since the term "containing" has been replaced by the term "having" and therefore, claims 3 and 4 are directed to the nucleotide sequence SEQ ID No: 3 and No: 4, respectively. Therefore, they are different from the sequences of the references. The sequence taught by the

reference is 96.5 % homologous to SEQ ID No: 3 and 96.2% homologous to SEQ ID No: 4 and therefore, the sequence are different from Applicants' claimed sequences and withdrawal of this ground of rejection is requested.

In view of the amendments to the claims and the above remarks, it is believed that the claims clearly point out Applicants' patentable contribution and favorable reconsideration of the application is requested.

Respectfully submitted,
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CAM:ds
Enclosure